Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2021**

1 hour 30 minutes

6299167498

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
  - Answer **at least one question** from Section A.
  - Answer **at least one question** from Section B.
  - Answer **one other question** from **either** Section A **or** Section B.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 75.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **4** pages. Any blank pages are indicated.

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Answer **at least one question** from Section A.
Answer **at least one question** from Section B.
Answer **one other question** from **either** Section A **or** Section B.

Section A

1 Describe the different types of damages available in tort and assess the extent to which a single lump sum payment can provide adequate compensation for the claimant. [25]

2 Describe the factors taken into account when a judge is deciding whether there has been a breach of the duty of care in negligence. Assess the extent to which the application of these factors provides a just outcome for the parties. [25]

3 'Lawful visitors to the land of another can still become trespassers.'

Describe the elements of the tort of trespass to land and assess the validity of the statement above. [25]

Section B

4 A train company ABC Rail has recently replaced railway track and installed electrical power lines to allow the use of high-speed trains. This has increased capacity and reduced journey times for passengers.

Zak has a recording studio at his home, which is next to the railway line. He finds that the noise and frequency of the new high-speed trains interferes with his highly specialised recording equipment. Consequently, Zak is no longer able to use the recording studio at all during the day. He also believes that the internet signal in his property has deteriorated due to the electrical power lines.

Advise the parties as to their rights, responsibilities and remedies in relation to private nuisance. [25]

5 Barchester Football Club is hosting the final match of its annual competition. On the day of the match the club is informed that the referee is unavailable. If a referee cannot be found the match will have to be cancelled. Bob is employed at the club and is training to be a referee, but is not yet qualified. The club tells Bob that he will have to act as referee for the match.

There are a number of bad-tempered incidents during the match and Bob struggles to keep control. Alan, one of the players, is injured during one of these incidents. Knowing that the half-time interval is approaching, Bob refuses to stop the match to allow Alan to be medically treated.

During the half-time interval Alan is examined by the club doctor and is found to have sustained a head injury. He is taken to hospital where he is diagnosed with a bleed on the brain. The specialist team in the hospital believe that if Alan had received medical treatment sooner, his injury would have been less serious.

Advise the parties as to their rights and liabilities in relation to negligence. [25]

6 AB Ltd operates a call centre business and has recently moved to a new office complex. The building is next to a housing estate. There is a large area of grass at the front of the building and a partially completed fence surrounds the property. There are security staff present during office hours and the building is locked during evenings and weekends.

AB Ltd has become aware that local children are gaining access through a gap in the fence and using the front grassed area to play. The company has erected large signs which state ‘Keep Out – Private Property’ but the children are still accessing the property in the evenings.

Connor is eight years old. While playing on the grassed area he trips over some fencing materials and sustains a deep cut to his knee.

Advise the parties as to their rights and remedies in relation to occupier’s liability. [25]

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